

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Sep 27 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

United States of America

v.

ANTHONY DEXTER BROWN, JR., and
ZURI OZEOMACHUKWU NJOKU,

Case No. 4:22-mj-71251-MAG

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 1 through August 31, 2020 in the county of Alameda in the
Northern District of California, the defendant(s) violated:*Code Section**Offense Description*

Count 1

Title 18 U.S.C. § 1349

Conspiracy to Commit Mail and Wire Fraud

This criminal complaint is based on these facts:

See attached affidavit of Special Agent Amber J. Potts.

☒ Continued on the attached sheet.Approved as to form /S/
AUSA Chris Kaltsas/s/ Amber J. Potts*Complainant's signature*Special Agent Amber J. Potts*Printed name and title*

"Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim.P 4.1 and 4(d)".

Date: 09/27/2022*Judge's signature*City and state: Oakland, CaliforniaDonna M. Ryu, United States Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANTS

I, Amber J. Potts, Special Agent of the United States Department of Labor, Office of Inspector General, being duly sworn, state:

INTRODUCTION

1. I make this affidavit in support of an application for criminal complaints and arrest warrants for Anthony Dexter BROWN Jr. (“BROWN”) and Zuri Ozeomachukwu NJOKU (“NJOKU”) (collectively, “the **DEFENDANTS**”). For the reasons set forth below, and based on my training, experience, and familiarity with the **DEFENDANTS**, I submit that there is probable cause to believe that BROWN and NJOKU were involved in a conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349, specifically by knowingly, and with intent to defraud, conspiring to obtain unemployment insurance (“UI”) benefits from the California Employment Development Department (“EDD”) using the names and personally identifiable information (“PII”) of unknowing third parties.

2. This affidavit is submitted for the limited purpose of charging the **DEFENDANTS** via complaint and securing arrest warrants for the **DEFENDANTS**. I have not included every fact known to me concerning this investigation. Instead, I have set forth only the facts necessary to establish probable cause that violations of the federal laws identified above have occurred. I have based my statements in this affidavit on my training and experience, personal knowledge of the facts and circumstances obtained through my participation in this investigation, information provided by victims, information provided by other agents and law enforcement officers, and information provided by records and databases. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only. Peace officers and other investigators from the State of California, as well as sworn law enforcement officers from other government agencies, may assist in the execution of the requested arrest warrants.

AFFIANT BACKGROUND

3. I am a Special Agent (“SA”) with the United States Department of Labor

(“DOL”), Office of Inspector General (“OIG”), Office of Investigations-Labor Racketeering & Fraud in San Francisco, California, and have been so employed since January 4, 2021. In May 2009, I earned a Juris Doctorate from the University of Cincinnati College of Law. On November 9, 2009, I was admitted to practice law in the State of Ohio, inactive effective December 29, 2020.

4. Prior to DOL-OIG, I was an investigator for the DOL, Employee Benefits Security Administration from June 6, 2010 through January 3, 2021. I am a graduate of the Federal Law Enforcement Training Center (“FLETC”) in Glynnco, Georgia. As part of my training at FLETC, I successfully completed courses in courtroom and physical evidence, digital evidence, federal constitutional and criminal law, interviewing techniques, and investigative information sources and financial analysis.

5. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations, execute search warrants, and make arrests for offenses enumerated in Title 18, United States Code, Section 2516, including aggravated identity theft, wire fraud, and conspiracy to commit wire fraud.

APPLICABLE STATUTE

6. **Title 18, United States Code, Section 1349** reads in pertinent part: “Any person who attempts or conspires to commit any offense under this chapter [including Title 18, United States Code, Section 1343] shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.”

DEFENDANTS

7. Below is BROWN’s California Department of Motor Vehicles (“DMV”) photograph dated May 5, 2022:



8. Below is NJOKU's DMV photograph dated November 22, 2021:



FACTS SUPPORTING PROBABLE CAUSE

I. TRAFFIC STOP AND INVESTIGATION BACKGROUND

9. The California EDD, California Highway Patrol ("CHP") Northern California Foreign Export and Recovery ("NoFEAR") division, DOL-OIG, Federal Bureau of Investigation ("FBI"), and the United States Postal Inspection Service are conducting a joint investigation of the **DEFENDANTS** and co-conspirators known and unknown to the investigation. The

investigation was initiated by a traffic stop of BROWN.

10. Before the instant investigation arose, investigators with NoFEAR were investigating BROWN for his involvement in a scheme involving the trafficking of stolen vehicles with altered Vehicle Identification Numbers (“VINs”). Throughout 2020, CHP officers found vehicles registered to BROWN and determined that several of those vehicles’ registrations bore altered VINs based on their failure to adhere to formatting requirements used by automobile manufacturers. One of the vehicles NoFEAR investigators believed was VIN-switched was a silver Dodge Ram truck bearing California license plate number 82778S2 (“the Ram”).

11. NoFEAR investigators informed me that, on or about September 9, 2020, NoFEAR investigators located the Ram traveling on Interstate 280 in San Francisco, California. A CHP patrol officer initiated a stop on the Ram for a traffic violation. BROWN was the sole occupant of the vehicle and told the patrol officer that the Ram belonged to his cousin. NoFEAR investigators subsequently arrived on the scene and observed the Ram’s public dashboard VIN plate appeared altered, and that the public door jamb VIN appeared scratched and faded, indicating that it may be VIN-switched.

12. NoFEAR investigators have informed me that they were able to determine the true VIN of the Ram by viewing the non-public VIN locations on the vehicle. A DMV records search for the true VIN conducted at the scene of the stop confirmed that the Ram had been reported stolen from an airport Hertz Car Rental in Atlanta, Georgia. BROWN was arrested for possession of a VIN-switched, stolen vehicle. He was subsequently cited and released.

13. Prior to impounding the Ram, the NoFEAR investigators conducted a vehicle inventory search of the contents of the Ram per CHP’s inventory policy. During the inventory, the investigators discovered seven Bank of America debit cards with a sticker affixed to each card that provided information concerning how to activate the card through the EDD website. The EDD debit cards were inside a backpack on the right front passenger seat. BROWN claimed ownership of the backpack.

II. UNEMPLOYMENT INSURANCE FRAUD INVESTIGATION

A. Background on Unemployment Insurance

14. UI is a state-federal program that provides monetary benefits to eligible lawful workers. Although state workforce agencies administer their respective UI programs, they must do so in accordance with federal laws and regulations. UI payments (“benefits”) are intended to provide temporary financial assistance to lawful workers who are unemployed through no fault of their own. Each state sets its own additional requirements for eligibility, benefit amounts, and length of time benefits can be paid. Generally, UI weekly benefit amounts are based on a percentage of an employee’s earnings over a base period. In the State of California, EDD administers the UI program. Federal funds comprised a portion of the UI benefits in this case, with the federal funds for UI benefits originating from an operating center in either Dallas, Texas, or East Rutherford, New Jersey. The payment path always routes through one of these two centers for processing.

15. In California, a UI claim can be filed online on the EDD website. When an individual files a UI claim, EDD automatically collects information pertinent to the claim. This information includes the date and time the claim was submitted, the name of the person for whom the claim was filed, and the IP address of the computer (or ISP account) that was used to file the claim.

16. UI claimants must answer various questions in the application to establish their eligibility for UI benefits. Claimants must also provide their name, Social Security Number (“SSN”), and mailing address, as well as a qualifying occupational status and/or COVID-19 related reason for being out of work.

17. After EDD accepts a UI claim, EDD sends claimant information to Bank of America servers in California as Bank of America serves EDD’s UI program. EDD then typically deposits UI funds every two weeks to EDD debit cards administered by Bank of America. The funds are loaded onto EDD debit cards through servers located in Virginia and Colorado, which are managed by Bank of America’s payment processor, Visa Debit Processing

Services, Inc. (“Visa DPS”). The EDD debit cards are then mailed to the claimant at the address they provided in their UI claim through processing centers in Texas, Illinois, and Florida.

18. Claimants can activate their EDD debit card over the phone or online. To activate a card, a claimant must create a Bank of America unemployment user profile which captures data including, but not limited to the EDD claim number, the claimant’s SSN, and the address where the card was mailed. Once activated, all EDD card transactions are handled through Visa DPS servers located in Virginia or Colorado.

19. During much of 2020, weekly UI benefits typically ranged between \$40 to \$450, not including federal funding provided pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). To receive the maximum weekly benefit of \$450, a claimant must have earned \$11,674.01 or more in the highest quarter of the claimant’s base employment period. During the time the CARES Act was in effect, payments to claimants’ EDD cards included an extra \$600 per week in federal funding.

20. Based on my training and experience, and discussions with other personnel assisting in this investigation, I know that criminal actors can defraud EDD by using stolen PII, including but not limited to SSNs or dates of birth, to file UI claims. Moreover, I am aware those actors hamper law enforcement’s ability to trace fraud back to the subjects by using addresses other than their home address as the mailing location for EDD debit cards containing UI benefits; using stolen or fake identities to register mailboxes and cell phones; paying individuals for the use of their mailbox; and providing EDD a claimant address on the initial UI claim, but then requesting EDD to change the address to direct Bank of America to mail the EDD card to the changed address.

A. EDD Debit Cards Found in the Ram

21. Upon discovering the EDD debit cards in the Ram, law enforcement began the process of determining to whom these UI benefits were allocated; in what amounts; and where those UI benefits were spent. Initially, NoFEAR investigators observed none of the EDD debit cards in the Ram bore BROWN’s name. EDD records indicate that applications for the funds on

these EDD debit cards were submitted through EDD's online application portal in July and August 2020. The information submitted to EDD included residential addresses in California, phone numbers, dates of birth, and SSNs. A review of EDD databases, EDD UI applications, and associated Bank of America records for each EDD debit card found in the Ram revealed the names, card numbers, and total benefits loaded onto each of the cards, to wit:

	Claimant Initials	EDD Card Number (last four digits)	Total UI Amount EDD Funded to Claim
1	J.A.	2044	\$23,400.00
2	R.C.1	4730	\$23,400.00
3	C.B.1	5720	\$22,800.00
4	L.S.	7879	\$21,900.00
5	G.G.	8211	\$21,900.00
6	K.R.	2230	\$22,800.00
7	S.M.	0096	\$21,900.00
	TOTAL		\$158,100.00

22. A search of public records of the names, dates of birth, and SSNs used with the UI applications for the seven individuals above indicated PII used to apply for UI benefits belonged to real individuals of the names used on the applications. Most of these identity theft victims were found to reside outside of the San Francisco Bay Area, including the states of New Jersey, Ohio, and the Commonwealth of Virginia. For example, the following was confirmed for three of these victims:

a. EDD investigators found that, on or about August 23, 2020, EDD received an application for UI benefits in the name of R.C.1 with a SSN and date of birth known to belong to a person known as R.C.1. The claimant's street address was listed as a suite in a building on 8th Street in San Francisco, California. The mailing address for the R.C.1 claim was later changed to an address on Fenham Street in Oakland, California. On or about August 26, 2020, Bank of America mailed an EDD debit card ending in 4730 to the 8th Street address. EDD records indicate that EDD paid approximately \$23,400.00 in UI benefits to the card in R.C.1's name. According to California DMV records, R.C.1 resides in Los Angeles, California, and not at the addresses used for the UI claim.

b. EDD investigators found that, on or about August 21, 2020, EDD received an application for UI benefits in the name of L.S. with a SSN and date of birth known to belong to a person known as L.S. The claimant's street address was listed as a residence on Waller Street in San Francisco, California. On or about August 23, 2020, Bank of America mailed the EDD debit card ending in 7879 to the Waller Street address. EDD records indicate EDD paid approximately \$21,900.00 in UI benefits to the EDD debit card in L.S.'s name. According to the Ohio Bureau of Motor Vehicle records, L.S. resides in Cleveland, Ohio and has a date of birth matching the date of birth listed on the UI claim filed in their name. A public records search revealed L.S. co-owns their Ohio home and does not reside at the Waller Street address.

c. EDD investigators found that, on or about August 21, 2020, EDD received an application for UI benefits in the name of K.R. with a SSN and date of birth known to belong to a person known as K.R. The claimant's street address was listed as a residence on Waller Street in San Francisco, California. On or about August 25, 2020, Bank of America mailed the EDD debit card ending in 2238 to the Waller Street address. EDD records indicate EDD paid approximately \$22,800.00 in UI benefits to the EDD debit card in K.R.'s name. According to public records, K.R.'s date of birth matches the date of birth listed on the UI claim filed in their name. However, K.R. was found to reside in Ohio, and not at the Waller Street address as shown on the UI application with their name.

23. Law enforcement contacted these three victims and confirmed that none of them ever lived at the aforementioned California residential addresses, and that none of them had filed these UI claims with EDD.

B. Evidence Found on BROWN's Phones

24. As previously noted, when BROWN was stopped and arrested on September 9, 2020, two phones were seized from his person. The phones were subsequently searched pursuant to a federal search warrant. CHP's review of the contents of BROWN's phones revealed images,

conversations, and other information related to approximately 32 separate EDD UI claims, which are listed below, including the seven EDD debit cards found in the Ram. Evidence on the phones also revealed that BROWN frequently exchanged messages with NJOKU concerning names, addresses, and email addresses used to obtain EDD UI benefits.

	Claimant Initials	EDD Card Number (last four digits)	Total UI Amount EDD Funded to Claim	Bank of America Mailing Address(es) for EDD Debit Card(s)
1	J.A.	2044/6481	\$23,400.00	Fenham Street
2	R.C.1	4730/7341	\$23,400.00	8 th Street/Fenham Street
3	C.B.1	5720/9772	\$22,800.00	Waller Street
4	L.S.	7879/2191	\$21,900.00	Waller Street
5	G.G.	8211/1158	\$21,900.00	71 st Avenue
6	K.R.	2238/5137	\$22,800.00	Waller Street
7	S.M.	0096/4163	\$21,900.00	71 st Avenue
8	A.F.	5787	\$22,800.00	Oak Street
9	A.S.	0674	\$19,500.00	Lorenzo Avenue
10	C.B.2	8786	\$19,500.00	Lorenzo Avenue
11	D.D.	0977	\$21,600.00	Davis Street
12	E.B.	1291	\$19,500.00	Davis Street
13	G.S.	9922	\$22,500.00	Bancroft Avenue
14	J.H.	2333	\$19,500.00	Bancroft Avenue
15	J.W.	0204	\$18,600.00	Lorenzo Avenue
16	L.F.	4552	\$19,500.00	Davis Street
17	P.L.	8958	\$20,100.00	Davis Street
18	R.C.2	7993	\$18,600.00	Bancroft Avenue
19	R.W.	9358	\$22,800.00	Lorenzo Avenue
20	W.D.M.	4499	\$21,900.00	Oak Street
21	Y.F.	0569	\$20,100.00	Davis Street
22	R.P.	2076/7583	\$24,600.00	Fruitwood Common
23	C.F.	5405	\$21,900.00	Columbia Square
24	A.O. 1	2515/7567	\$30,900.00	8 th Street
25	M.W.	3790	\$30,900.00	8 th Street
26	F.C.	9912	\$30,900.00	8 th Street
27	S.J.	8914	\$30,900.00	Fenham Street
28	W.M.	3683	\$30,900.00	Fenham Street
29	P.H.	6508	\$30,900.00	Fenham Street
30	K.C.	7826	\$30,900.00	Fenham Street
31	B.W.	2400	\$58,350.00	8 th Street
32	A.O. 2	3385	\$30,900.00	Fenham Street
		Total	\$765,750.00	

25. The EDD debit cards listed above with two numbers indicate that two separate

cards were issued on the claim. I know that additional cards may be issued when a claimant asserts that a card was lost or stolen. Records obtained from EDD indicate that the cards in the Ram were claimed to be lost or stolen on September 10, 2020, the day after NoFEAR investigators interacted with the Ram.

26. Records obtained from Bank of America indicate that the 32 cards listed above were used over 570 times to withdraw or spend approximately \$638,710.82 between approximately August 3, 2020, and May 19, 2021. Records obtained from EDD and Bank of America also revealed that the first cards attributable to BROWN and NJOKU were loaded and mailed to the address listed on the EDD application associated with those cards on or about July 27, 2020, whereas the final card was mailed on or about December 7, 2020.

27. Upon reviewing EDD databases and other law enforcement databases, NoFEAR and EDD investigators learned that the names, dates of birth, and SSNs listed on each of the 32 EDD applications for the cards listed above belonged to actual individuals. To date, law enforcement personnel have contacted or attempted contact with approximately thirteen of these individuals, including one who has since died. Interviews conducted with the twelve individuals indicate that none of them have lived or worked at the addresses provided on the EDD applications associated with their names; that none of them used their PII to apply for these EDD benefits; and that none of them gave any individual, including BROWN or NJOKU, permission to apply for EDD UI benefits on their behalf.

28. CHP investigators analyzing BROWN's phones found that they contained images, communications, and/or mentions of each of the 32 EDD debit cards described above. BROWN's phones also contained evidence demonstrating that he conspired with others, including NJOKU, with respect to the collection of the EDD debit cards mentioned or pictured on BROWN's phones. BROWN and NJOKU appeared to frequently message one another concerning EDD UI benefits, including messages concerning local addresses to which investigators determined the EDD debit cards were ultimately mailed.

29. CHP investigators confirmed BROWN and NJOKU messaged one another

through a review of phone records for the phone numbers involved in the text message exchanges.

30. The phone number associated with NJOKU is identified as “Z” below and in other text messages found on BROWN’s phones. In the screenshot below, which investigators located in the images of BROWN’s phones, NJOKU, in blue with a phone number ending in 6969, sends BROWN, in green with a phone number ending in 8624, the address to an apartment on Davis Street in Oakland, California on July 17, 2020. As noted above, five EDD UI claims using the Davis Street address were referenced on BROWN’s phones. Bank of America mailed EDD debit cards for the five EDD UI claims to the Davis Street address between approximately July 27, 2020 and July 29, 2020.



31. CHP investigators located an August 2020 text message communication believed

to be between BROWN and a suspected co-conspirator (“T.B.”) that referenced the addresses NJOKU provided BROWN in a separate text message conversation approximately three weeks earlier and one week after Bank of America mailed the five EDD debit cards to the Davis Street address.

32. CHP investigators’ review of BROWN’s phone also indicated that he messaged the Lorenzo Avenue address to T.B. BROWN’s phones contained images, messages, and/or other indicia of EDD UI claims that used the Lorenzo Avenue address. Bank of America records indicate that Bank of America mailed EDD debit cards for the four UI claims to the Lorenzo Avenue address on or about July 27, 2020.

33. CHP investigators reviewed another text conversation that occurred on or about July 30, 2020, wherein NJOKU and BROWN discussed their efforts to find addresses to which EDD debit cards could be sent, with BROWN stating that he would provide a “band” to each addressee who agreed to allow their address to be used to receive EDD debit cards. BROWN stated that the amount on each EDD debit cards was “15k,” totalling “60k.” Based on my training and experience, and discussions with other personnel assisting in this investigation, I know that a “band” refers to \$1,000. I also believe, based on my training and experience, as well as discussions with other law enforcement personnel assisting in this investigation, that BROWN was likely referencing paying the person receiving the EDD debit cards in the mail at the address \$1,000 per EDD debit card received, and the dollar amount on the EDD debit cards totaled \$60,000 for the four EDD debit cards.

34. CHP investigators’ review of BROWN’s phones also revealed screen shots of conversations BROWN had with NJOKU using Wickr, a messaging platform in which messages delete themselves after a set period. Investigators believe that Wickr username “monalisa69” was used by NJOKU and username “bodeanfoster00” was used by BROWN through investigators’ comparison of messages sent on Wickr to text messages between BROWN and NJOKU that referenced one another. Those messages include one instance in which “monalisa69” sent “bodeanfoster00” a series of images of Southwest Airlines gift cards, after which NJOKU texted

BROWN the card numbers and PINs of the Southwest Airlines gift cards pictured in the Wickr message, demonstrating the association between the Wickr usernames and NJOKU and BROWN.

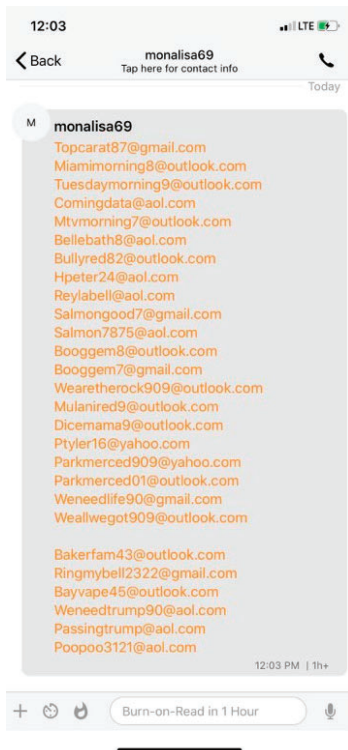
35. CHP investigators' review of BROWN's phones showed BROWN and NJOKU messaged each other images of mail from EDD and discussed EDD-related information. Specifically, on or about July 25, 2020, NJOKU texted BROWN the address 21 Columbia Square, San Francisco, California 94103. Investigators discovered that on or about August 2, 2020, a UI claim was filed with EDD using C.F.'s PII, and address 21 Columbia Square, San Francisco, California. Investigators located an exchange wherein on or about August 5, 2020, BROWN sent NJOKU a text stating, "No mail?" NJOKU responded "Not yet" shortly thereafter. On or about August 11, 2020, NJOKU texted BROWN the following image of an envelope addressed to C.F. at 21 Columbia Square, San Francisco, California, from EDD, dated August 5, 2020. This image below is one of three images located by investigators which depict an envelope bearing the name of C.F., one of which appears to depict the envelope having been opened. Investigators did not find evidence indicating C.F. was a part of this text exchange.



36. BROWN's phones were also found to contain an August 31, 2020 image of several email addresses later determined to be used in connection with the filing of six EDD

claims. The image's metadata indicate the image was captured at a specific residence on Green Ridge Drive, in Daly City, California, which law enforcement officers know is NJOKU's residence based on surveillance and database research.

37. As depicted in the partial image below, BROWN's phones were found to contain screenshots of approximately seventy email addresses sent to him by "monalisa69" (who law enforcement believes is NJOKU).



38. EDD investigators found that approximately twenty-five of the email addresses located in the screenshots on BROWN's phones were provided in UI claims with EDD. Below is a table of the 32 UI claims associated with BROWN's phones, which shows eleven of the email addresses found in screenshots on BROWN's phones used to obtain EDD debit cards connected to BROWN, NJOKU and other suspected co-conspirators.

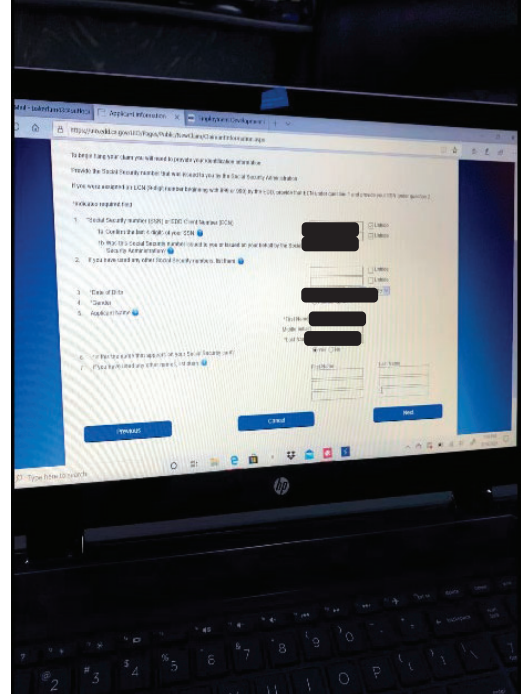
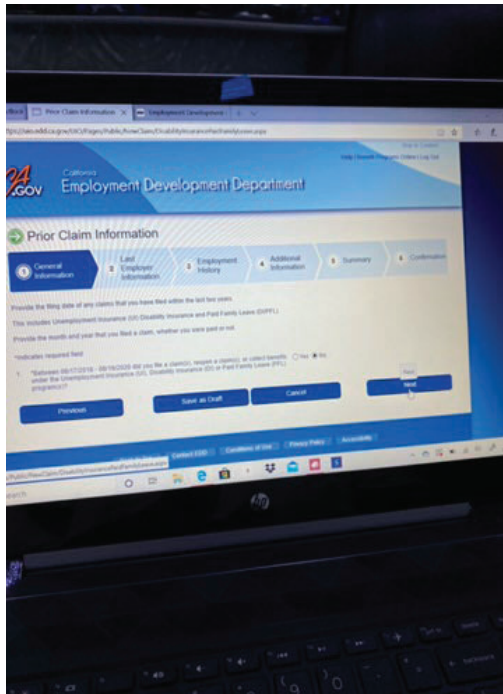
Claimant Initials		Email Address
1	J.A.	
2	R.C.1	1metrozoom1@gmail.com

3	C.B.1	Parkmerced909@yahoo.com
4	L.S.	Bellebath8@aol.com
5	G.G.	Baby1pop1@outlook.com
6	K.R.	Salmongood7@gmail.com
7	S.M.	Topcarat87@gmail.com
8	A.F.	
9	A.S.	
10	C.B.2	
11	D.D.	
12	E.B.	
13	G.S.	
14	J.H.	
15	J.W.	
16	L.F.	
17	P.L.	
18	R.C.2	
19	R.W.	
20	W.D.M.	
21	Y.F.	
22	R.P.	
23	C.F.	
24	A.O. 1	1sayless1@gmail.com
25	M.W.	1mompop2@gmail.com
26	F.C.	
27	S.J.	
28	W.M.	Ayyou28@aol.com
29	P.H.	
30	K.C.	
31	B.W.	Ilovepop891@gmail.com
32	A.O. 2	1day8love@gmail.com

39. BROWN's phones were also found to contain a series of short videos which depicted the process of applying for UI benefits using EDD's online portal on a computer screen. In the videos, CHP investigators observed an Internet browser tab displaying the email address Bakerfam43@outlook.com. Investigators found the Bakerfam43@outlook.com email address was in a screenshot of a Wickr message on BROWN's phones from "monalisa69" (NJOKU) as mentioned above. EDD investigators found that the Bakerfam43@outlook.com was provided to EDD in a claim that was ultimately not approved for the payment of UI benefits.

40. The images below show the EDD application process, as it appeared to CHP investigators on BROWN's phones, applying for UI benefits in the name of R.P. A review of the

related claim found it utilized R.P.'s real PII, including their SSN and date of birth. During an interview, R.P. stated they never authorized any individual to apply for EDD UI benefits on their behalf; they never applied for such benefits; and never lived or worked in California. R.P. stated they lived in and worked in Ohio and that they filed a separate UI claim in Ohio in 2020 and received three to four months of UI benefits as a result.



C. Card Usage by BROWN and other Co-Conspirators

41. In addition to obtaining EDD debit cards, records indicate that BROWN, T.B., and other known and unknown co-conspirators used these cards to withdraw cash, obtain money orders, and make purchases. Law enforcement obtained banking transaction records for numerous Bank of America EDD debit cards and surveillance images of the individuals using the suspected fraudulent EDD debit cards to make cash withdrawals. Unless otherwise stated, the below-identified ATM images are examples of the images produced by Bank of America.¹

¹ Each transaction was associated with two dates and times: the transaction times and the time the transaction was posted. The time zone of the transaction time reflects the local time zone of the transaction while the posted time is in Mountain Time. This Affidavit refers to the transaction time.

42. At the time of BROWN's arrest in the Ram, law enforcement found the Bank of America letter pictured below in the Ram. It was addressed to an individual named K.C. at the Fenham Street address. The letter is titled "California EDD Debit Card for Unemployment and Disability Benefits." Videos and images obtained from Bank of America show the EDD debit card in the name of K.C. was used to make several withdrawals by an individual who law enforcement officers identified as matching T.B.'s description, including withdrawals at an ATM in San Francisco, California on September 19 and 21, 2020.



43. A review of Bank of America surveillance videos and images revealed that other EDD debit cards found in the Ram on or about September 9, 2020 were used by an individual matching the physical description of BROWN at Bank of America ATMs to withdraw cash on numerous occasions. Below is a surveillance image depicting a person matching BROWN's description withdrawing \$1,000 in cash using the L.S. EDD debit card on or about August 29, 2020 at approximately 9:14 AM at a Bank of America ATM located at 7395 Mission Street in Daly City, California (the "Daly City-Colma ATM"). The Daly City-Colma ATM is approximately 1.6 miles from NJOKU's residence. Investigators found an image of the email address bellebath8@aol.com in BROWN's phones, which EDD records indicate was the email address used to apply for EDD UI benefits using L.S.'s PII.



44. Although investigators have not obtained any ATM surveillance images of BROWN unmasked, the images match some physical characteristics of BROWN. BROWN's California DMV records describe him as a 5'10", 300-pound male, which appears to be consistent with the individual pictured above at the Daly City-Colma ATM. The ATM surveillance also captured the person believed to be BROWN wearing an ACE Society Co. shirt and a hat with the words "WE TRUST" visible in the image.

45. Investigators identified the image of BROWN below in the search of BROWN's phones wherein BROWN is seen wearing a hat with the words "IN UPPER CLASS WE TRUST" and a green hooded-sweatshirt with an image of a kissing couple and the word "PIVOT" in white across the chest and a kangaroo pocket across the stomach. The hat pictured below appears to have the same wording visible as the hat in the August 29, 2020 ATM image above. The face of a third-party individual is redacted in the image below. A DMV photo of BROWN is provided for reference.



46. Investigators found images of BROWN, T.B., and NJOKU in BROWN's phones with the words "UPPER CLASS" on their apparel.

47. Subpoena returns from Bank of America include ATM surveillance photos that captured the individual believed to be BROWN making \$1,000 cash withdrawals using EDD debit cards in the names of C.B.1 and L.S. on or about September 2, 2020 at approximately 6:01 PM and 6:02 PM at the Daly City-Colma ATM. The individual believed to be BROWN appears to be wearing the green sweatshirt identified above.



48. A review of other Bank of America ATM surveillance images shown below depict a person wearing sunglasses with mirrored lenses and yellow trim, matching the description of BROWN, using multiple EDD cards in the names of other individuals to make a series of cash withdrawals. The images below depict the individual believed to be BROWN making three separate \$1,000 cash withdrawals on or about September 4, 2020, at a Bank of America located at 33 Southgate Avenue, Daly City, California, between 12:48 PM and 12:50 PM using the EDD debit cards in the names of R.C.1, K.R., and L.S. All three EDD debit cards related to these withdrawals were found in the Ram on or about September 9, 2020. Investigators later observed two email addresses, 1metrozoom1@gmail.com and salmongood7@gmail.com,

related to the R.C.1 and K.R. cards, in an image on BROWN's phones.



49. Below are ATM surveillance images depicting the individual believed to be BROWN withdrawing cash from EDD debit cards on or about October 26, 2020 at the Daly City-Colma ATM between approximately 1:51 PM and 1:56 PM. Bank of America records showed that within approximately five minutes, the individual believed to be BROWN withdrew \$1,000 using EDD debit cards in the names of S.J., A.O.1, P.H., and M.W, for a total of \$4,000. The individual believed to be BROWN appeared to make a funds available inquiry using the EDD debit card in the name of W.M. In those images, the individual believed to be BROWN is wearing an ACE Society Co. orange hooded-sweatshirt emblazoned with the word "ACE" in black outlined in orange across the chest.





50. Below are ATM surveillance images depicting the individual believed to be BROWN withdrawing cash from EDD debit cards on or about November 11, 2020 at a Hayward, California ATM between approximately 7:26 PM and 7:31 PM. A review of the records showed that in approximately five minutes, the individual believed to be BROWN withdrew \$900 from each of the EDD debit cards in the names of A.O.1, M.W., S.J., W.M., P.H., and A.O. 2, totaling \$5,400. The individual believed to be BROWN made a funds available inquiry using the EDD debit card in the name of P.H. while wearing what appears to be a sweatshirt matching the one described above.





CONCLUSION

51. Based on the information above, I respectfully submit that there is probable cause to believe that the **DEFENDANTS**, as well as others known and unknown, conspired to violate Title 18, United States Code, Section 1349 by conspiring to obtain UI benefits from EDD using the names and PII of unknowing third parties in violation of Title 18, United States Code, Section 1343. Accordingly, I respectfully request that this Court issue a complaint and warrants for their arrest

52. Because this investigation is ongoing, a public filing of the complaint and the documents submitted in support of the complaint, including this affidavit, will jeopardize the investigation by making public the existence of the investigation and providing subjects an opportunity to destroy evidence, change patterns of behavior, notify confederates, or flee from prosecution. Accordingly, I request that the Court seal the complaint and the documents submitted in support of the complaint, including this affidavit, until further Order of this Court, except that the clerk of the Court provide copies to representatives of the United States Attorney's Office for use in this case.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

/s/ Amber J. Potts

AMBER J. POTTS

Special Agent

Department of Labor—Office of Inspector General

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 27th day of September, 2022. This application and warrants are to be filed under seal.



HONORABLE DONNA M. RYU

United States Magistrate Judge

PENALTY SHEET
United States v. Anthony Brown, Jr.

Count 1: Title 18, United States Code, Section 1349
Conspiracy to Commit Wire Fraud

Maximum Penalties:

Twenty years of imprisonment

\$250,000 fine

Three years of supervised release

Mandatory \$100 special assessment

PENALTY SHEET

United States v. Zuri Ozeomachukwu Njoku

Count 1: Title 18, United States Code, Section 1349

Conspiracy to Commit Wire Fraud

Maximum Penalties:

Twenty years of imprisonment

\$250,000 fine

Three years of supervised release

Mandatory \$100 special assessment